

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

EUGENE TREMBLE III,

Petitioner,

V.

MARGARET GILBERT,

## Respondent.

CASE NO. 3:15-CV-05841-RJB-DWC

ORDER GRANTING MOTION FOR  
MORE DEFINITE STATEMENT

The District Court has referred this action to United States Magistrate Judge David W.

Christel. Petitioner Eugene Tremble III filed a habeas corpus petition (the “Petition”)

challenging his custody under a state court judgment and sentence. Dkt. 7. The Court directed

service of the Petition on December 3, 2015, Dkt.8.

Before the Court is Respondent's Motion for a More Definite Statement (the "Motion"), in which Respondent asks the Court to direct Petitioner to provide a concise statement of the grounds for relief he intends to raise in his Petition. Dkt. 12. Petitioner's response was due Tuesday, January 19, 2016 in accordance with Local Rule 7, but Petitioner did not file a response. For the reasons stated below, the Court grants Respondent's Motion.

1 DISCUSSION  
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3 A habeas corpus petition must “specify all the grounds for relief available to the  
4 petitioner.” Rule 2(c)(1), 28 U.S.C. foll. § 2254. The petition must also “state the facts  
5 supporting each ground.” Rule 2(c)(2), 28 U.S.C. foll. § 2254. If a pleading is “so vague or  
6 ambiguous that a party cannot reasonably be required to frame a responsive pleading, the party  
7 may move for a more definite statement before interposing a responsive pleading.” Fed. R. Civ.  
8 P. 12(e). The Court in a habeas corpus proceeding may “consider a motion from respondent to  
9 make the petition more certain.” Advisory Committee Notes, 1976 Adoption, to Rule 4, 28  
U.S.C. foll. § 2254.

10 Here, the Petition does not identify specific claims and instead, the Petition states “see  
11 exhibit one,” “see exhibit two,” “see exhibit one & two,” and “see exhibit one & 2.” Dkt. 7 at 5-  
12 9. Attached to the Petition are exhibits one and two, which are copies of the briefs Petitioner  
13 filed in state court. Dkt. 7 at 14-40 (exhibit one); Dkt. 7-1 (exhibit two). Petitioner’s state court  
14 briefs include numerous claims. *See id.* Although the Petition and exhibits refer to briefing  
15 previously filed in state court, Petitioner does not specifically identify the grounds for relief he is  
16 pursuing in the Petition filed in this case. *See* Dkt. 7.

17 The Court finds Respondent cannot reasonably be required to prepare an answer to the  
18 Petition because it does not specifically identify the actual grounds for relief now pursued by  
19 petitioner in federal court. The Petition refers to grounds raised in prior proceedings in state  
20 court, but the Petition does not contain a concise statement of each ground Petitioner is now  
21 pursuing in federal court. Simply referring to claims raised in a prior state court proceeding does  
22 not comply with Rule 2(c). The Petition does not give Respondent fair notice of the actual  
23 claims Petitioner wishes to pursue in this action. In addition, the Petition does not properly  
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1 narrow the focus of the parties' briefing, claims may be missed or claims may be addressed when  
2 they are no longer being pursued.

3 After Petitioner has filed and served a concise statement of the grounds raised in his  
4 Petition, Respondent will file and serve his answer and relevant state court record within 45  
5 days. Petitioner will then have an opportunity to file a reply to Respondent's answer.

6 Accordingly, it is ORDERED:

7 1) Respondent's Motion (Dkt. 12) is GRANTED. Petitioner shall file and serve a concise  
8 statement of the grounds raised in his Petition by March 1, 2016. Respondent shall file and serve  
9 his answer within 45 days after service of the statement of the grounds for relief.

10 3) The Clerk shall send copies of this Order to the Petitioner and counsel for  
11 Respondent.

12 Dated this 28<sup>th</sup> day of January, 2016.

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15 David W. Christel  
16 United States Magistrate Judge  
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